

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte GRZEGORZ JANISZEWSKI and JAN CHRISTIAN HOLMSTROM

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Appeal No. 2004-1895  
Application No. 09/681,515

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ON BRIEF

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Before COHEN, FRANKFORT, and NASE, Administrative Patent Judges.  
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 20, all of the claims in the application.

Appellants' invention addresses a vehicle differential and an arrangement for a vehicle differential. A basic understanding of the invention can be derived from a reading of exemplary claims 1 and 10, respective copies of which appear on pages 9 through 12 of the main brief (Paper No. 17).

Appeal No. 2004-1895  
Application No. 09/681,515

As evidence of obviousness, the examiner has applied the documents listed below:

Lowe	805,740	Nov. 28, 1905
Thornton	3,362,258	Jan. 9, 1968
Mimura	5,897,453	Apr. 27, 1999
SKF	1,371,060	Oct. 23, 1974
(Great Britain)		

The following rejections are before us for review.

Claims 1 through 5, 7, 10 through 12, 14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lowe in of SKF.

Claims 6, 15, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lowe in view of SKF, as applied to claims 1 and 10 above, further in view of Mimura.

Claims 8, 9, 13, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lowe in view of SKF, as applied to claims 1 and 10 above, further in view of Thornton.

The full text of the examiner's rejections and response to the argument presented by appellants appears in the answer (Paper No. 19), while the complete statement of appellants' argument can be found in the main and reply briefs (Paper Nos. 17 and 20).

#### OPINION

In reaching our conclusion on the obviousness issues<sup>1</sup> raised in this appeal, this panel of the board has carefully considered appellants' specification and claims,<sup>2</sup> the applied teachings,<sup>3</sup> and the respective viewpoints of appellants and the examiner. As

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<sup>1</sup> The test for obviousness is what the combined teachings of references would have suggested to one of ordinary skill in the art. See In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991) and In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981).

<sup>2</sup> Contrary to the examiner's indication in the answer (page 2), the copy of claim 1 in the main brief (page 9) is in error due to the typographic omission of --having-- after "housing".

<sup>3</sup> In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

Appeal No. 2004-1895  
Application No. 09/681,515

a consequence of our review, we make the determination which follows.

We cannot sustain any of the obviousness rejections on appeal.

Independent claim 1 sets forth a vehicle differential comprising, inter alia, a differential housing having two pressed sheet metal halves, with a differential pinion carrier having end journals received in corresponding, radially directed depressions in the sheet metal halves. Independent claim 10 is drawn to an arrangement for a vehicle differential comprising, inter alia, a differential housing having two joinable sheet metal halves, with at least one of the sheet metal halves having a depression formed therein configured to accommodate reception of an end journal of a differential pinion carrier therein.

As clearly articulated in the independent claims, the present invention concerns a differential housing. The patent to Lowe, somewhat akin to the acknowledged prior art (appellants' specification, page 1), teaches a differential housing formed in two halves. However, as recognized by the examiner (answer, page

3), this patent is at least deficient in not teaching a depression in the differential housing that is of a gutter-type configuration and closed at an outer end thereof by a wall portion that would extend over the end surface of an end journal of a differential pinion carrier. To compensate for this deficiency, the examiner relies upon the SKF disclosure. Like the examiner, we readily appreciate that SKF teaches a support (Fig. 4) made of two sheet metal parts 30, 31, with recesses 32 in the two parts together forming a seat for an end portion of an axle 33. The difficulty we readily perceive with the examiner's application of the SKF reference is that this document addresses a support, and not a differential housing as now claimed. It is particularly worthy of noting that the SKF reference expressly points out (page 1, line 90 to page 2, line 1) that a transmission housing is not shown. In light of the above assessment of the applied teachings, we simply cannot support the view advocated by the examiner that the SKF teaching would have been suggestive of modifying the differential housing of Lowe. As we see it, only impermissible reliance upon appellants' own teaching would have enabled the claimed invention to be derived from the Lowe and SKF documents. It is for the above reasons that this panel of the Board does not sustain the rejection of

Appeal No. 2004-1895  
Application No. 09/681,515

appellant's independent claims. As a concluding point, we simply mention that the additional Mimura and Thornton references do not overcome the indicated deficiencies of the Lowe and SKF disclosures.

In summary, this panel of the board has not sustained any of the obviousness rejections on appeal.

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN	)	
Administrative Patent Judge	)	
	)	
	)	
	)	
	)	BOARD OF PATENT
CHARLES E. FRANKFORT	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
JEFFREY V. NASE	)	
Administrative Patent Judge	)	

Appeal No. 2004-1895  
Application No. 09/681,515

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